



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**Office for Coastal Management**  
Silver Spring Metro Center, Building 4  
1305 East-West Highway  
Silver Spring, Maryland 20910

December 28, 2021

Ms. Liesl Eichler Clark, Director  
Michigan Department of Environment, Great  
Lakes, and Energy  
Constitution Hall  
525 West Allegan  
P.O. Box 30473  
Lansing, MI 48909

Dear Director Clark,

Thank you for the December 3, 2021, request for approval of changes to the Michigan Coastal Management Program pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.<sup>1</sup>

NOAA's Office for Coastal Management approves the request subject to the qualification below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.<sup>2</sup> The public notice should state that as of the date of this decision letter the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR part 930.<sup>3</sup> Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

### **PUBLIC AND FEDERAL AGENCY COMMENTS**

The Office for Coastal Management did not receive any comments on this program change submission.

### **CHANGES APPROVED**

See the attached Table of Approved Changes to the Michigan Coastal Management Program.

<sup>1</sup> This program change request was submitted under NOAA's revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)). The Office for Coastal Management's decision due date was April 16, 2021 subject to extension.

<sup>2</sup> 15 CFR § 923.81(e)(5), as described at 84 FR 38133 (Aug. 6, 2019).

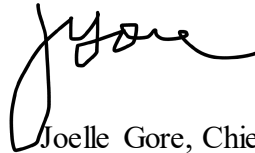
<sup>3</sup> 15 CFR § 923.81(f), as described at 84 FR 38133 (Aug. 6, 2019).

## **QUALIFICATION**

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

Thank you for your cooperation in this review. Please contact Rachael Franks Taylor at (617)834-2493, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, MI-2021-2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle', with a stylized flourish extending to the right.

Joelle Gore, Chief  
Stewardship Division

Attachment: Table of Approved Changes MI-2021-2

## TABLE OF APPROVED CHANGES TO THE MICHIGAN COASTAL MANAGEMENT PROGRAM (MI-2021-2)

*Please see the December 28, 2021 decision letter for any qualifications, clarifications, and exceptions pertaining to this approval.*

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
Natural Resources and Environmental Protection Act (NREPA; Public Act 451 of 1994, as amended), Part 637, (Sand Dune Mining). Section 324.63701 of the Michigan Compiled Laws (MCL).	Definitions	Revised	05/24/1995	Yes	MCL 324.63704
MCL 324.63702	Sand dune mining permit within critical dune area; “adjacent” defined	New	05/24/1995	Yes	MCL 324.63704
MCL 324.63704	Sand dune mining; permit; requirements	Revised	09/10/2004	Yes	MCL 324.63704
MCL 324.63705	Environmental impact statement	Revised	05/24/1995	Yes	MCL 324.63704
MCL 324.63706	Progressive cell-unit mining and reclamation plan; sand dune mining permit; requirements	Revised	05/24/1995	Yes	MCL 324.63704
MCL 324.63708	Sand dune mining permit; duration; renewal; contents; reasons for permitting removal of barrier dune; list of pending applications	Revised	09/10/2004	Yes	MCL 324.63704
MCL 324.63709	Denial of sand dune mining permit	Revised	05/24/1995	Yes	MCL 324.63704

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Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
MCL 324.63710	Extraction of sand or other minerals by state	Revised	05/24/1995	Yes	MCL 324.63704
MCL 324.63711	Assessment of fee for surveillance, monitoring, administration, and enforcement of part; disposition of unexpended fees; annual report of operator; confidentiality; failure to submit annual report; penalty for unpaid fee; records; annual report of department	Revised	05/24/1995	No	N/A
MCL 324.63712	Conformance bond; reclassification of active cell-unit to interim cell-unit; notice of completion or acceptance of reclamation activity; compliance or approval required for mining or extraction; violation as grounds for revocation of permit	Revised	05/24/1995	Yes	MCL 324.63704
Administrative rule R 281.401 of the Michigan Administrative Code (MAC)	Lincoln--Lake--Chikaming sand dune area; Berrien county	New	08/17/1978	Yes	MCL 324.63704
MAC R 281.402	South Haven--Covert--Hagar sand dune area; Van Buren and Berrien counties	New	08/17/1978	Yes	MCL 324.63704
MAC R 281.403	Park--Laketown--Saugatuck sand dune area; Ottawa and Allegan counties	New	08/17/1978	Yes	MCL 324.63704
MAC R 281.404	Laketon--Fruitport--Spring Lake--Grand Haven sand dune area; Muskegon and Ottawa counties	New	08/17/1978	Yes	MCL 324.63704
MAC R 281.405	Golden--Benona--Claybanks sand dune area; Oceana county	New	08/17/1978	Yes	MCL 324.63704
MAC R 281.406	Grant--Hamlin--Pere Marquette sand dune area; Mason county	New	08/17/1978	Yes	MCL 324.63704

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MAC R 281.407	Hendricks--Moran sand dune area; Mackinac county	New	08/17/1978	Yes	MCL 324.63704
MAC R 281.408	Grand Haven--Port Sheldon--Park sand dune area; Ottawa county	New	03/17/1981	Yes	MCL 324.63704
MAC R 281.409	Pentwater--Summit sand dune area; Oceana and Mason counties	New	03/17/1981	Yes	MCL 324.63704
MAC R 281.410	Onkama--Manistee sand dune area; Manistee county	New	03/17/1981	Yes	MCL 324.63704
MAC R 281.411	Sleeping Bear Dunes sand dune area; Benzie and Leelanau counties	New	03/17/1981	Yes	MCL 324.63704
MAC R 281.412	Leelanau--Leland sand dune area; Leelanau county	New	03/17/1981	Yes	MCL 324.63704
MAC R 281.413	Wawatam--Bliss--Cross Village--Readmond said dune area; Emmet county	New	03/17/1981	Yes	MCL 324.63704